

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 RYANAIR DAC,
10 Plaintiff,
11 v.
12 EXPEDIA INC.,
13 Defendant.

Case No. C17-1789RSL
ORDER CERTIFYING
INTERLOCUTORY APPEAL

15
16 This matter comes before the Court on “Defendant Expedia, Inc.’s Motion for
17 Certification of Interlocutory Appeal Under 28 U.S.C. § 1292(b) and to Stay Proceedings
18 Pending Appeal.” Dkt. # 38. Having considered the memoranda submitted by the parties and the
19 remainder of the record,¹ the Court finds as follows:

20 The Court’s “Order Denying Motions to Dismiss” (Dkt. #34 at 5 n.5) is hereby
21 AMENDED to include a finding that allegations of unauthorized access to a protected computer
22 orchestrated by defendant in the United States and causing harm to plaintiff’s reputation and
23 good will in the United States are sufficient at step two of the extraterritoriality inquiry to

25
26
27 ¹ This matter can be decided on the papers submitted. The parties’ requests for oral argument
28 are DENIED.

establish that the case involves a domestic application of the Computer Fraud and Abuse Act (“CFAA”), 18 U.S.C. § 1030 *et seq.*

The Court’s finding that CFAA’s civil provision applies extraterritorially and its discretionary decision to exercise its jurisdiction rather than dismiss the case involve controlling questions of law as to which there are substantial grounds for difference of opinion. An immediate appeal regarding the extraterritorial application of CFAA’s civil provision and whether this Court abused its discretion in refusing to dismiss the case under the doctrine of forum non conveniens may materially advance the ultimate termination of the litigation and will ensure that the litigation proceeds in an efficient, meaningful, and comprehensive manner.

Defendant shall, within fourteen days of the date of this Order, file with the Ninth Circuit an application for appeal as required by 28 U.S.C. § 1292(b). The above-captioned matter is hereby STAYED pending resolution of the interlocutory appeal process. The parties shall inform the Court within fourteen days of the Ninth Circuit's final decision on the matter.

Dated this 25th day of September, 2018.

Robert S. Lasnik
Robert S. Lasnik
United States District Judge